

CLOSED, ECF, MAGCONSENT

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:10-cv-05654-FM**

Tarzia v. Clinton  
Assigned to: Magistrate Judge Frank Maas  
Cause: 28:1361 Petition for Writ of Mandamus

Date Filed: 07/26/2010  
Date Terminated: 09/28/2012  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****Richard Tarzia**

represented by **Kelly Brian McClanahan**  
National Security Counselors  
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V.

**Defendant**

**Hillary Clinton**  
*U.S. Secretary of State*

represented by **Amy Ann Barcelo**  
United States Attorney Office  
86 Chambers Street  
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| Date Filed | #        | Docket Text   |
|------------|----------|---|
| 07/26/2010 | <u>1</u> | COMPLAINT IN THE NATURE OF MANDAMUS against Hillary Clinton (Filing Fee \$ 350.00, Receipt Number 910470).Document filed by Richard Tarzia.(mro) (mro). (Entered: 07/27/2010) |

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| 07/26/2010 |           | Magistrate Judge Frank Maas is so designated. (mro) (Entered: 07/27/2010)  |
| 07/26/2010 |           | Case Designated ECF. (mro) (Entered: 07/27/2010)   |
| 07/27/2010 | <u>2</u>  | CERTIFICATE OF SERVICE of Summons and Complaint served on Clinton on 07/27/2010. Service was made by mail. Document filed by Richard Tarzia. (Tarzia, Richard) (Entered: 07/27/2010)   |
| 08/19/2010 | <u>3</u>  | NOTICE OF COURT CONFERENCE addressed to All Parties from Don Fletcher, Courtroom Case Manager dated 8/19/2010 re: You are directed to appear for a pretrial conference, to be held on Thursday, September 16, 2010 in Courtroom 12B at 4:30 pm in front of the Honorable JohnG. Koeltl. (jpo) Modified on 8/20/2010 (jpo). (Entered: 08/20/2010)   |
| 08/19/2010 |           | Set Deadlines/Hearings: Pretrial Conference set for 9/16/2010 at 04:30 PM in Courtroom 12B, 500 Pearl Street, New York, NY 10007 before Judge John G. Koeltl. (jpo) (Entered: 08/20/2010)  |
| 08/30/2010 | <u>4</u>  | ENDORSED LETTER addressed to Judge John G. Koeltl from Amy A. Barcelo dated 8/27/10 re: Counsel for defendant writes that the parties respectfully request that plaintiff be given the opportunity to amend the complaint or before September 17, 2010, that the Government's response to the amended complaint be due on or before October 1, 2010, and that the initial pre-trial conference be adjourned to some date in October 2010. ENDORSEMENT: APPLICATION GRANTED. SO ORDERED. (Signed by Judge John G. Koeltl on 8/27/10) (pl) (Entered: 08/30/2010) |
| 09/15/2010 | <u>5</u>  | FIRST MOTION to Amend/Correct <i>complaint</i> . Document filed by Richard Tarzia. (Attachments: # <u>1</u> amended complaint)(Tarzia, Richard) (Entered: 09/15/2010)  |
| 09/20/2010 | <u>6</u>  | MOTION Leave to Amend <u>1</u> Complaint. Document filed by Richard Tarzia.(mbe) (Entered: 09/23/2010)   |
| 09/30/2010 | <u>7</u>  | FILING ERROR – DEFICIENT DOCKET ENTRY – SECOND MOTION to Amend/Correct <i>complaint</i> . Document filed by Richard Tarzia. (Tarzia, Richard) Modified on 10/4/2010 (db). (Entered: 09/30/2010)  |
| 09/30/2010 |           | ***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Richard Tarzia to RE-FILE Document <u>7</u> SECOND MOTION to Amend/Correct <i>complaint</i> . ERROR(S): Supporting Documents (Affirmation in Support) are filed separately, receiving their own document #. ***REMINDER*** – First Re-File Motion, then file and link any supporting documents. (db) (Entered: 10/04/2010)  |
| 10/04/2010 | <u>8</u>  | FILING ERROR – DEFICIENT DOCKET ENTRY – SECOND MOTION to Amend/Correct <i>complaint</i> . Document filed by Richard Tarzia. (Attachments: # <u>1</u> Exhibit Amended complaint, # <u>2</u> Exhibit consent letter from defense)(Tarzia, Richard) Modified on 10/6/2010 (db). (Entered: 10/04/2010)   |
| 10/04/2010 |           | ***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Richard Tarzia to RE-FILE Document <u>8</u> SECOND MOTION to Amend/Correct <i>complaint</i> . ERROR(S): Supporting Documents (Affirmation in Support – found under the Event Type – Replies, Opposition and Supporting Documents) are filed separately, receiving their own document #. ***REMINDER*** – First Re-File Motion, then file and link any supporting documents. (db) (Entered: 10/06/2010)  |
| 10/06/2010 | <u>9</u>  | FILING ERROR – DEFICIENT DOCKET ENTRY – SECOND MOTION to Amend/Correct <i>complaint</i> . Document filed by Richard Tarzia. (Attachments: # <u>1</u> Exhibit Second Complaint)(Tarzia, Richard) Modified on 10/7/2010 (db). (Entered: 10/06/2010)  |
| 10/06/2010 | <u>10</u> | FILING ERROR – ELECTRONIC FILING FOR NON-ECF DOCUMENT – RESPONSE in Support re: <u>9</u> SECOND MOTION to Amend/Correct <i>complaint</i> . <i>Ltr received from defendant atty</i> . Document filed by Richard Tarzia. (Tarzia, Richard) Modified on 10/7/2010 (db). (Entered: 10/06/2010)   |

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| 10/06/2010 |           | ***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Richard Tarzia Pro Se to RE-FILE Document 9 SECOND MOTION to Amend/Correct <i>complaint</i> . ERROR(S): Supporting Documents (Affirmation in Support – found under the Event Type – Replies, Opposition and Supporting Documents) are filed separately, receiving their own document #. ***REMINDER*** – First Re-File Motion, then file and link any supporting documents. 2 documents must be filed – 1 Motion and 1 Affirmation in Support of the Motion. (db) (Entered: 10/07/2010) |
| 10/06/2010 |           | ***NOTE TO ATTORNEY THAT THE ATTEMPTED FILING OF Document No. <u>10</u> HAS BEEN REJECTED. Note to Attorney Richard Tarzia : THE CLERK'S OFFICE DOES NOT ACCEPT LETTERS FOR FILING, either through ECF or otherwise, except where the judge has ordered that a particular letter be docketed. Letters may be sent directly to a judge. (db) (Entered: 10/07/2010)   |
| 10/08/2010 | <u>11</u> | SECOND MOTION to Amend/Correct <i>complaint</i> . Document filed by Richard Tarzia.(Tarzia, Richard) (Entered: 10/08/2010)  |
| 10/08/2010 | <u>12</u> | AFFIRMATION of Richard Tarzia in Support re: <u>11</u> SECOND MOTION to Amend/Correct <i>complaint</i> .. Document filed by Richard Tarzia. (Tarzia, Richard) (Entered: 10/08/2010)   |
| 10/08/2010 | <u>13</u> | SECOND MOTION to Amend/Correct <i>complaint</i> . Document filed by Richard Tarzia. (Attachments: # <u>1</u> Exhibit 2nd Amended Complaint)(Tarzia, Richard) (Entered: 10/08/2010)  |
| 10/08/2010 | <u>14</u> | AFFIRMATION of Richard Tarzia in Support re: <u>13</u> SECOND MOTION to Amend/Correct <i>complaint</i> .. Document filed by Richard Tarzia. (Tarzia, Richard) (Entered: 10/08/2010)   |
| 10/15/2010 | <u>15</u> | ANSWER to Second Amended Complaint in the Nature of Mandamus. Document filed by Hillary Clinton.(Barcelo, Amy) (Entered: 10/15/2010)  |
| 11/29/2010 | <u>16</u> | NOTICE OF APPEARANCE by Kelly Brian McClanahan on behalf of Richard Tarzia (McClanahan, Kelly) (Entered: 11/29/2010)  |
| 11/29/2010 | <u>17</u> | NOTICE OF CHANGE OF ADDRESS by Kelly Brian McClanahan on behalf of Richard Tarzia. New Address: National Security Counselors, 1200 South Courthouse Road, Suite #124, Arlington, VA, USA 22204, 301-728-5908. (McClanahan, Kelly) (Entered: 11/29/2010)   |
| 01/14/2011 | <u>18</u> | NOTICE OF COURT CONFERENCE: You are directed to appear for a pretrial conference, to be held on Wednesday, January 26, 2011 at 2:30pm in Courtroom 12B, at 4:30pm in front of the Honorable John O. Koeltl. All requests for adjournments must be made in writing to the Court For any further information, please contact the Court at (212) 805-0107. Pretrial Conference set for 1/26/2011 at 04:30 PM in Courtroom 12B, 500 Pearl Street, New York, NY 10007 before Judge John G. Koeltl. (jmi) Modified on 1/18/2011 (jmi). (Entered: 01/18/2011)                  |
| 01/21/2011 | <u>19</u> | (AMENDED) NOTICE of Hearing: Pretrial Conference set for 1/26/2011 at 02:30 PM in Courtroom 12B, 500 Pearl Street, New York, NY 10007 before Judge John G. Koeltl. (jmi) (Entered: 01/24/2011)  |
| 01/25/2011 | <u>20</u> | ENDORSED LETTER addressed to Judge John G. Koeltl from Kel McClanahan dated 1/19/2011 re: Counsel respectfully request that they be allowed to participate by telephone for the conference scheduled for 1/26/11. ENDORSEMENT: Application granted. So Ordered. (Signed by Judge John G. Koeltl on 1/25/2011) (jfe) (Entered: 01/25/2011)   |
| 01/28/2011 | <u>21</u> | ORDER As discussed at today's conference, the government should report to the Court by March 4, 2011, regarding the status of this case. SO ORDERED. ( Status Report due by 3/4/2011.) (Signed by Judge John G. Koeltl on 1/26/2011) (jmi) (Entered: 01/28/2011)  |
| 03/07/2011 | <u>22</u> | ENDORSED LETTER addressed to Judge John G. Koeltl from Amy A. Barcelo dated 3/4/2011 re: I am writing pursuant to the Court's order of January 26, 2011 to provide the Court with an update regarding the status of this case, The parties further agree that by April 14, 2011, we will either submit a stipulation of dismissal   |

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|            |           | reflecting our resolution of all outstanding issues in this case, Or the State Department will submit a pre-motion conference letter to the Court setting forth the issues to be addressed in a proposed motion for summary judgment. ENDORSEMENT: APPLICATION GRANTED. SO ORDERED. (Signed by Judge John G. Koeltl on 3/4/2011) (jmi) (Entered: 03/07/2011)   |
| 04/14/2011 | <u>23</u> | ENDORSED LETTER addressed to Judge John G. Koeltl from Ellen Blain dated 4/13/2011 re: The parties jointly request that the date for any stipulation of dismissal, or pre-motion conference request, be adjourned by one week to 4/21/11. ENDORSEMENT: Application granted. So Ordered. (Signed by Judge John G. Koeltl on 4/13/2011) (jfe) (Entered: 04/14/2011)  |
| 04/21/2011 | <u>24</u> | ENDORSED LETTER addressed to Judge John G. Koeltl from Ellen Blain dated 4/20/2011 re: The parties jointly request that the date for any stipulation of dismissal, or pre-motion conference request, be adjourned to 5/2/11. ENDORSEMENT: Application granted. So Ordered. (Signed by Judge John G. Koeltl on 4/20/2011) (jfe) (Entered: 04/21/2011)   |
| 05/02/2011 | <u>25</u> | ENDORSED LETTER: addressed to Judge John G. Koeltl from Ellen Blain dated 4/29/2011 re: The parties jointly request that the date for any stipulation of dismissal, or pre-motion conference request, be adjourned to May 23, 2011. The parties previously requested two brief extensions to submit a stipulation of dismissal or pre-motion conference request; on April 14, 2011 and April 20, 2011, the court granted those requests. ENDORSEMENT: Application granted. However, the docket sheet reflects several pending motions should be withdrawn, and if necessary, new motions filed directions by any open issues. So Ordered. (Signed by Judge John G. Koeltl on 4/29/2011) (js) (Entered: 05/02/2011) |
| 05/27/2011 | <u>26</u> | ORDER: The parties agree that the operative complaint is the plaintiff's Second Amended Complaint which the defendant has answered. Any open motions are denied without prejudice as moot. The Clerk is directed to close Docket Nos. 5, 6, 11, and 13.. (Signed by Judge John G. Koeltl on 5/26/2011) (js) (Entered: 05/27/2011)  |
| 06/02/2011 | <u>27</u> | ENDORSED LETTER addressed to Judge John G. Koeltl from Ellen Blain, dated 6/1/2011, re: Counsel for Hillary Clinton, United States Secretary of State writes to request that the Court approve the following briefing schedule: the State Department's motion for summary judgment due on July 22, 2011; Plaintiff's opposition due on August 8, 2011; and the State Department's reply due on August 26, 2011. ENDORSEMENT: Application Granted. SO ORDERED. (Motions due by 7/22/2011. Responses due by 8/8/2011. Replies due by 8/26/2011.) (Signed by Judge John G. Koeltl, Not dated) (lnl) (Entered: 06/02/2011)   |
| 06/06/2011 | <u>28</u> | ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Consent under 28 U.S.C. 636(c) for all purposes (including trial). Referred to Magistrate Judge Frank Maas. (Signed by Judge John G. Koeltl on 6/3/11) (djg) (Entered: 06/06/2011)  |
| 06/06/2011 |           | ***DELETED DOCUMENT. Deleted document number <u>29</u> Order of Reference. The document was incorrectly filed in this case. (js) (Entered: 06/09/2011)   |
| 07/01/2011 | <u>29</u> | MEMO ENDORSEMENT on re: JOINT STIPULATION CONSENTING TO A MAGISTRATE JUDGE. ENDORSEMENT: This should be filed. So Ordered. (Signed by Judge John G. Koeltl on 7/1/2011) (jfe) (Entered: 07/01/2011)  |
| 07/25/2011 | <u>30</u> | ENDORSED LETTER addressed to Judge Paul A. Crotty from Ellen Blain dated 7/22/2011 re: Attached is a letter I sent yesterday to Judge Maas respectfully requesting an extension of time from 7/22/2011 to 8/25/2011, for the State Department to serve its motion for summary judgment. I write respectfully to request that this Court, sitting in Part I, address the Government's request for an extension and adjustment of the summary judgment briefing schedule. ENDORSEMENT: So Ordered. (Motions due by 8/25/2011.) (Signed by Part I Judge Paul A. Crotty on 7/25/2011) (mbe) (Entered: 07/25/2011)  |
| 08/25/2011 | <u>31</u> | MOTION for Summary Judgment. Document filed by Hillary Clinton.(Blain, Jennifer) (Entered: 08/25/2011)   |



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| 08/25/2011 | <u>32</u> | MEMORANDUM OF LAW in Support re: <u>31</u> MOTION for Summary Judgment.. Document filed by Hillary Clinton. (Blain, Jennifer) (Entered: 08/25/2011)   |
| 08/25/2011 | <u>33</u> | DECLARATION of Margaret P. Grafeld in Support re: <u>31</u> MOTION for Summary Judgment.. Document filed by Hillary Clinton. (Attachments: # <u>1</u> Exhibit Exhibits 1-8)(Blain, Jennifer) (Entered: 08/25/2011)  |
| 08/25/2011 | <u>34</u> | DECLARATION of Ellen Blain in Support re: <u>31</u> MOTION for Summary Judgment.. Document filed by Hillary Clinton. (Blain, Jennifer) (Entered: 08/25/2011)  |
| 09/19/2011 | <u>35</u> | ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Kel McClanahan dated 9/17/11 re: Counsel for the plaintiff requests a brief extension of time from 9/18/11 to 9/24/11 for Mr. Tarzia to serve his opposition to defendant's Motion for Summary Judgment. Both parties stipulate that this extension would similarly push back the filing deadline for Defendant's Reply from 9/30/11 to 10/7/11. ENDORSEMENT: Both extensions requested are approved. Set Deadlines/Hearing as to <u>31</u> MOTION for Summary Judgment:( Replies due by 10/7/2011.) (Signed by Magistrate Judge Frank Maas on 9/19/2011) (mro) (Entered: 09/19/2011) |
| 09/26/2011 | <u>36</u> | MEMORANDUM OF LAW in Opposition re: <u>31</u> MOTION for Summary Judgment.. Document filed by Richard Tarzia. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit A – Asylum Profile excerpt, # <u>3</u> Exhibit B – Tarzia-Barcelo email, # <u>4</u> Exhibit C – Detailed FOIA request, # <u>5</u> Exhibit D – Document D7)(McClanahan, Kelly) (Entered: 09/26/2011)   |
| 09/26/2011 | <u>37</u> | ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Kel McClanahan dated 9/25/2011 re: I am writing to respectfully request a brief extension of time, from 24 September 2011 to 25 September 2011, for Mr. Tarzia to serve his Opposition to Defendant's Motion for Summary Judgment. ENDORSEMENT: Both filing deadlines are extended by one day. (Signed by Magistrate Judge Frank Maas on 9/25/2011) (rdz) (Main Document 37 replaced on 9/26/2011) (rdz). (Entered: 09/26/2011)   |
| 09/26/2011 | <u>38</u> | ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Kel McClanahan dated 9/26/2011 re: I hereby request a retroactive grant to submit this brief. If you deny this request, I will be willing to reduce my brief in length and tile an amended brief tonight or tomorrow. I will also submit a Table of Contents as soon as you inform me of your decision. ENDORSEMENT: The Court will accept the brief. A courtesy copy with a table of contents and index of cases shall be served forthwith on the Court and opposing Counsel.. (Signed by Magistrate Judge Frank Maas on 9/26/2011) (rdz) (Entered: 09/26/2011)                      |
| 10/04/2011 | <u>39</u> | ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Ellen Blain dated 10/4/2011 re: This Office represents Hillary Clinton, U.S. Secretary of State (the "State Department" or the "Government"), in this Freedom of Information Act ("FOIA") action. I am writing to respectfully request a brief extension of time, from Saturday, October 8, 2011 to Tuesday, October 11, 2011 for the State Department to serve and file its reply brief in support of its motion for summary judgment. ENDORSEMENT: Approved. ( Replies due by 10/11/2011.) (Signed by Magistrate Judge Frank Maas on 10/4/2011) (lmb) (Entered: 10/05/2011)         |
| 10/11/2011 | <u>40</u> | REPLY MEMORANDUM OF LAW in Support re: <u>31</u> MOTION for Summary Judgment.. Document filed by Hillary Clinton. (Blain, Jennifer) (Entered: 10/11/2011)   |
| 10/11/2011 | <u>41</u> | REPLY AFFIRMATION of Margaret P. Grafeld in Support re: <u>31</u> MOTION for Summary Judgment.. Document filed by Hillary Clinton. (Blain, Jennifer) (Entered: 10/11/2011)  |
| 01/30/2012 | <u>42</u> | DECISION AND ORDER. For the reasons in this decision and order, the Department's motion for summary judgment is granted in part and denied in part. The Court will hold a telephone conference on February 16, 2012, at 2:00 p.m., to determine whether anything further is required before this case is closed. Mr. McClanahan should initiate that call. Granting in part and denying in part <u>31</u> Motion for Summary Judgment. (Signed by Magistrate Judge Frank Maas on  |

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|            |           | 1/30/2012) Copies Sent By Chambers. (rjm) (Entered: 01/31/2012)  |
| 01/30/2012 |           | Set/Reset Hearings: Telephone Conference set for 2/16/2012 at 02:00 PM before Magistrate Judge Frank Maas. (rjm) (Entered: 01/31/2012)   |
| 01/30/2012 | <u>43</u> | INTERNET CITATION NOTE: Material from decision with Internet citation re: <u>42</u> Order on Motion for Summary Judgment. (tro) (Entered: 02/08/2012)  |
| 02/16/2012 |           | Minute Entry for proceedings held before Magistrate Judge Frank Maas: Telephone Conference held on 2/16/2012. (ft) (Entered: 02/29/2012)   |
| 03/02/2012 | <u>44</u> | ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Kel McClanahan dated 3/2/2012 re: Plaintiff has no objection to Defendant being allowed to respond, but respectfully requests that if the Court allows Defendant to submit a response on the question of whether this document constitutes evidence, Plaintiff be allowed to respond in kind. ENDORSEMENT: To the extent this letter seeks to require a more expansive search, I disagree. I have considered the Government's letter concerning scheduling and approve the schedule therein set forth. (Signed by Magistrate Judge Frank Maas on 3/2/2012) (lmb) (Entered: 03/02/2012) |
| 03/02/2012 | <u>45</u> | ORDER: that the State Department shall conduct a reasonably diligent search of the embassy in China to locate any comments to the "second draft" of the Report submitted to Mr. Silver from the embassy. To the extent Tarzia seeks additional searches not consented to by the Department, his FOIA request is denied. (Signed by Magistrate Judge Frank Maas on 3/2/2012) Copies Sent By Chambers. (cd) (Entered: 03/05/2012)  |
| 04/17/2012 | <u>46</u> | ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Ellen Blain dated 4/16/2012 re: Counsel for the defendants request until June 1, 2012 to submit either a stipulation of dismissal or pre-motion conference request. ENDORSEMENT: Approved. (Signed by Magistrate Judge Frank Maas on 4/17/2012) (ft) (Entered: 04/17/2012)   |
| 06/01/2012 | <u>47</u> | ENDORSED LETTER: addressed to Magistrate Judge Frank Maas from Ellen Blain dated 6/1/2012 re: Counsel for defendant write to provide the Court with a status update, and to respectfully request until June 15, 2012 for the parties to submit either a stipulation of dismissal or pre-motion conference. ENDORSEMENT: Application Granted. So Ordered. (Signed by Magistrate Judge Frank Maas on 6/1/2012) (js) (Entered: 06/04/2012)  |
| 06/18/2012 | <u>48</u> | ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Ellen Blain dated 6/15/2012 re: This Office represents Hillary Clinton, U.S. Secretary of State (the "State Department" or the "Government"), in the above-referenced Freedom of Information Act ("FOIA") action. I write respectfully to provide the Court with a status update, and to respectfully request until July 16, 2012 for the parties to submit either a stipulation of dismissal or pre-motion conference request. ENDORSEMENT: APPLICATION GRANTED. SO ORDERED. (Signed by Magistrate Judge Frank Maas on 6/18/2012) (djc) (Entered: 06/18/2012)                         |
| 07/16/2012 | <u>49</u> | ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Ellen Blain dated 7/16/2012 re: counsel for Hillary Clinton, U.S. Secretary of State writes respectfully to provide the Court with a status update, and to respectfully request until August 16, 2012 for the parties to submit either a stipulation of dismissal or pre-motion conference request. ENDORSEMENT: Approved. (Signed by Magistrate Judge Frank Maas on 7/16/2012) (pl) (Entered: 07/17/2012)   |
| 08/27/2012 | <u>50</u> | ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Ellen Blain dated 8/16/2012 re: Defense counsel writes to provide the Court with a status update, and to respectfully request until September 4, 2012 for the parties to submit either a stipulation of dismissal or a pre-motion conference request.. ENDORSEMENT: Approved. (Signed by Magistrate Judge Frank Maas on 8/27/2012) (ago) (Entered: 08/27/2012)   |
| 09/06/2012 | <u>51</u> | ENDORSED LETTER addressed to Magistrate Judge Frank Maas from Ellen Blain dated 9/04/2012 re: I write respectfully to provide the Court with a status update and to respectfully request until October 4, 2012 for the parties to submit   |

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|            |           | either a stipulation of dismissal or pre-motion conference request.ENDORSEMENT: Approved. (Signed by Magistrate Judge Frank Maas on 9/05/2012) (ama) (Entered: 09/06/2012)  |
| 09/25/2012 | <u>52</u> | <b>FILING ERROR – RESPONSIVE PLEADING FILED</b> – NOTICE OF VOLUNTARY DISMISSAL Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, the plaintiff(s) and or their counsel(s), hereby give notice that the above-captioned action is voluntarily dismissed, against the defendant(s) Hillary Clinton. Document filed by Richard Tarzia. (McClanahan, Kelly) Modified on 9/26/2012 (dt). (Entered: 09/25/2012) |
| 09/26/2012 |           | <b>***REJECTION OF VOLUNTARY DISMISSAL DUE TO FILING OF RESPONSIVE PLEADING. Note to Attorney: Kelly McClanahan, the <u>52</u> Notice of Voluntary Dismissal, was rejected by the Clerk's Office due to the filing of responsive pleading(s). (dt)</b> (Entered: 09/26/2012)  |
| 09/28/2012 | <u>53</u> | ORDER OF DISMISSAL. The Court having been informed that the underlying dispute is resolved, the Complaint in this action is DISMISSED, without prejudice to any application by either side for fees or costs. (Signed by Magistrate Judge Frank Maas on 9/28/2012) Copies Sent By Chambers via ECF. (rjm) (Entered: 09/28/2012)   |